

20.08.2024

Court No.29

Item No. 43

Allowed

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CRM (A) 2888 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Tehatta Police Station Case No. 451 of 2024 dated 23.06.2024 corresponding to S.L No. 1310 of 2024 under Sections 498(A)/307/406/34 of the Indian Penal Code read with Section 3 & 4 of the Dowry Prohibition Act, 1961.

And

In Re: Lekbat Sk @ Nekbat Sk @ Mandal & Anr.

Petitioners

Mr. Amanul Islam

Mr. Sourav Mukherjee

For the Petitioners

Mr. Suman De

Ms. Mousumi Sarkar

For the State

Mr. Asraf Mandal

For the De-facto Complainant

1. The petitioner no. 1 is the father-in-law and the petitioner no. 2 is the mother-in-law of the victim.
2. Learned counsel for the petitioners submits that the petitioners have been falsely implicated.
3. Learned counsel for the State and the de-facto complainant have opposed the prayer for anticipatory bail and referred to the statement of the victim recorded under Section 164 Cr.P.C. Learned counsel for the State further submits that the victim has directly implicated her husband, the father-in-law and the mother-in-law for physical assault with strangulation.
4. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence and the injury report appears to be simple in nature and there has been

some discrepancy between the statement of the victim and the injury report and also having regard to the fact that the husband of the victim is already in custody, we are of the view that custodial interrogation of the petitioners is not necessary.

5. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Lekbat Sk @ Nekbat Sk @ Mandal and Laili Bibi** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to 482(2) of the BNSS Act, 2023. The petitioners shall meet the Investigating Officer once in a week till the submission of the final report and on further condition that the petitioners shall appear before the learned Additional Chief Judicial Magistrate, Tehatta at Nadia, within two weeks from date in connection with S.L No. 1310 of 2024. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.
6. Accordingly, the prayer for anticipatory bail of the petitioners is allowed and the same is accordingly disposed of.
7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Uday Kumar, J)

